

REMARKS

INTRODUCTION:

Claims 6-21 and 30-34 are withdrawn from consideration. Claims 1, 2, and 24 are amended. No new matter has been added. In view of the above, it is respectfully submitted that claims 1-5, 22-26, and 28-29 are currently pending in this application.

REQUEST TO CLARIFY OFFICE ACTION STATUS AND WITHDRAW FINALITY:

In accordance with the interviews conducted with the Examiner and his supervisor in March 2006, the Examiner withdrew the finality of the Office Action mailed March 6, 2006. The Examiner further clarified the following:

- The rejection of claim 26 should state: claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Ishii further in view of Hoshino (U.S. Patent No. 4,700,437);
- The rejection of claim 28 should state: claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Ishii further in view of Borisoff; and
- Claim 27 was canceled in the Amendment filed January 17, 2006.

The Examiner mailed an Interview Summary Record summarizing the interviews with the Applicant's representative on March 28, 2006 and March 30, 2006 withdrawing the finality of the Office Action and clarifying the status of claims 26-28.

REJECTIONS UNDER 35 U.S.C. §102:

In the Office Action, at page 3, item 3, the Examiner rejected claims 1 and 29 under 35 U.S.C. §102(a) as being anticipated by Hsu (U.S. Pub. 2004/0099090 - hereinafter Hsu).

The present application claims a benefit of a foreign filing based on Korean Patent Application Nos. 2002-86837, 2002-86838, and 2002-86841, filed December 30, 2002.

The effective U.S. filing date of Hsu is November 21, 2002.

Enclosed are copies of:

- 1) A declaration under Rule 35 CFR 1.131(a);

- 2) An Invention Disclosure Form with English-Language Translation; and
- 3) Verified English language translations of each of the Korean Applications.

The Declaration under Rule 35 CFR 1.131(a) indicates that the Invention Disclosure Form was signed on September 24, 2002 and forwarded to the Korean Patent firm of Nawoo Patent & Law Firm on October 17, 2002, which are prior to the effective U.S. filing dates of Hsu. Thus, the Applicants respectfully request the relied upon U.S. Patent Application Publication No. 2004/0099090 (Hsu) be removed as a reference.

Additionally in the Office Action mailed October 17, 2005, the Examiner acknowledged receipt of certified copies of the priority documents for the benefit of the foreign filing date. In accordance with 37 C.F.R. §1.55(a)(4), Verified English language translations of each of the Korean Patent Applications are provided.

Withdrawal of the rejection is requested.

REJECTION UNDER 35 U.S.C. §103:

On page 4, item 5, claims 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Arai (JP-62016939 – hereinafter Arai) in view of Ishii (U.S. Patent No. 4,936,695).

Amended independent claim 24 recites "...elastic members disposed between the idle gears and the swing lever to contact the idle gears closely to the swing lever, wherein the elastic members have continuous contact with the idle gears."

On page 4, the Examiner states "Arai does not expressly disclose elastic members disposed between the idle gears and the swing lever." Arai describes stabilizing the control of a movable guide plate on the bottom plate of a stuff section in accordance with the size of re-fed recording paper sheets, by initiating the counting of pulses from an encoder for controlling the movable guide plate, with a delay of a predetermined time from the state of a drive source to the start of the operation of the encoder (abstract). Arai also fails to teach or suggest "...wherein the elastic members have continuous contact with the idle gears." That is, in the present invention, the elastic members are used to support the first and second idle gears (para. 41 & 61). Therefore, in the present invention, the apparatus can prevent shaking of the first and second idle gears (para. 63).

Thus, Arai, teaches away from the limitations of the present invention.

On page 4 of the Office Action, the Examiner asserts that Ishii makes up for the deficiencies of Arai. Although Ishii discusses "an elastic member 40, such as a rubber block, is interposed between the passive swing arm 35 and the active swing arm 38" (col. 4, lines 57-59), this member does not relate to "elastic members disposed between the idle gears and the swing lever to contact the idle gears closely to the swing lever wherein the elastic members have continuous contact with the idle gears" as recited in independent claim 24. The teachings of Ishii would not apply to Arai because Ishii is related to an elastic member 40 interposed between the passive swing arm 35 and the active swing arm 38. As shown in Fig. 1 of Ishii, the elastic member 40 does not have continuous contact with the idle gears. In Ishii, the elastic member 40 only contacts the active swing arm 38 and the passive swing arm 35. In Fig. 1, the idle gear 36 is separated from the elastic member 40 by the passive swing arm 35.

Ishii's teaching relates to "the passive swing arm 35, the active swing arm 38, and the elastic member 40 constitute a swing arm assembly 41" (col. 4, lines 61-63). The elastic member 40 is for padding the swing arm assembly 41, not to support the first and second idle gears. Therefore, Ishii cannot be relied upon to cure the deficiencies of Arai.

Neither Arai nor Ishii, individually or combined, recite "...elastic members disposed between the idle gears and the swing lever to contact the idle gears closely to the swing lever, wherein the elastic members have continuous contact with the idle gears." Additionally, dependent claim 25 recites patentably distinguishing features of their own. For example, claim 25 recites "...a body comprising a V-shaped form and comprising an axis hole formed at a center thereof to receive a support axis of the swing gear."

On page 5, item 6, claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Hoshino (U.S. Patent No. 4,700,437). As discussed above in the Request to Withdraw Finality and Clarify the Office Action section, claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Ishii and further in view of Hoshino (U.S. Patent No. 4,700,437).

The above comments for distinguishing over Arai and Ishii also apply here, where appropriate. Nothing was cited or has been found in Hoshino suggesting modification of Arai and/or Ishii to overcome the deficiencies discussed above.

On page 6, item 7, claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Hoshino. As discussed above, claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Ishii in further view of Borisoff (U.S. Patent No. 4,643,069).

The above comments for distinguishing over Arai and Ishii also apply here, where appropriate. Nothing was cited or has been found in Borisoff suggesting modification of Arai and/or Ishii to overcome the deficiencies discussed above.

Withdrawal of the foregoing rejections is respectfully requested.

ALLOWABLE SUBJECT MATTER:

On page 7, claims 2-5, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION:

In accordance with the foregoing, the Applicant respectfully submits that all outstanding rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

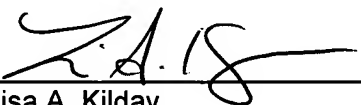
If the Examiner has any remaining issues to be addressed, it is believed that the Examiner can contact the undersigned agent for a telephone interview to discuss resolution of such issues can expedite prosecution.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 6/6/06

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